REMARKS

In this Response, Applicant amends claims 1, 7, 8, 10, 11, and 15 and traverses the Examiner's rejections. Amendments to the claims are being made solely to expedite prosecution of the present application and do not constitute an acquiescence to the Examiner's rejections. Applicant's silence with regard to the Examiner's rejections of dependent claims constitutes a recognition by the Applicant that the rejections are moot based on Applicant's Amendment and/or Remarks relative to the independent claim from which the dependent claims depend. Applicant reserves the option to further prosecute the same or similar claims in the present or a subsequent application. Upon entry of the Amendment, claims 1-18 are pending in the present application.

Amendments to the Claims

Applicant amends claims 1, 7, 8, 10, 11, and 15 to address issues related to antecedent basis and consistency of terminology among claim species. As such, these amendments do not narrow the claims. Further, these amendments are not related to patentability. Support for these amendments can be found throughout the application.

Claim Rejections

The Examiner rejected claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Soltis.

Claims 1-10

Applicant's independent claim 1 is directed to a method of modifying memory on a control device. Among other things, Applicant's independent claim 1 includes transferring data from a remote host device to the control device *during unscheduled communications periods* and without interrupting the operation of the control device, in which the remote host device and the control device are coupled through *a Fieldbus communications network*; storing *the transferred data* to a respective inactive memory area; and, redirecting at least one control device microprocessor, *during an idle period of the control device microprocessor*, to execute the stored data in the inactive memory area.

Applicant reviewed the previous Office Action and the present Office Action. As the Examiner knows, a prima facie case of obviousness under 35 U.S.C. § 103(a) requires (1) a motivation to combine references, (2) a reasonable expectation of success, and (3) a teaching or suggestion of all claimed features. Applicant contends that the Examiner fails to establish a prima facie case of obviousness because the Examiner still fails to meet at least element (3), i.e., Adams and Soltis do not teach all of the features of Applicant's independent claim 1. Applicant chooses not to comment on elements (1) and (2) because these elements are moot based on the failure of the Examiner to meet element (3).

First, Applicant's independent claim 1 includes a remote host device and a control device that are coupled through *a Fieldbus communication network*. Throughout the examination of the present application, the Examiner has failed to provide a reference that teaches or suggests devices that are coupled through *a Fieldbus communications network*.

In contrast to Applicant's independent claim 1, neither Adams nor Soltis describes devices that are coupled through *a Fieldbus communications network*. Rather, Adams describes a local host system that communicates with a disk drive via a SCSI storage interface, while Soltis describes nodes that communicate with each other over a fiber channel interface that combines the features of an ATM network and the SCSI storage interface. The Adams and Soltis networks and interfaces are not Applicant's claimed *Fieldbus communications network*. Adams and Soltis do not, therefore, teach or suggest the feature of Applicant's independent claim 1 directed to a remote host device and a control device that are coupled through *a Fieldbus communication network*.

Second, Applicant's independent claim 1 includes a remote host device that can transfer data to the control device *during unscheduled communications periods*.

The Examiner contends that Adam's logic circuit that "perform[s] steps including (1) in response to an identification inquiry command, providing said identification information stored in the memory device" reads on Applicant's claimed remote host device that can transfer data to a control device *during unscheduled communications periods*.

Applicant respectfully requests that the Examiner reconsider the teachings of the cited portion of Adams. At most, the cited portion of Adams teaches a logic circuit that can receive an identification inquiry command and provide identification information in reply to the command.

The cited portion does not teach or suggest whether the receiving of the command and/or the providing of the information occur during a scheduled or an unscheduled communications period of the logic circuit.

As known by one of ordinary skill in the art, the Fieldbus communications protocol includes scheduled and unscheduled communications periods. Since Adams and Soltis do not teach or suggest devices that are coupled through a Fieldbus communications network, Adams and Soltis cannot, and do not, teach or suggest the feature of Applicant's independent claim 1 directed to a remote host device that can transfer data to a control device *during unscheduled communications periods of the Fieldbus communications protocol.*

Third, Applicant's independent claim 1 includes storing *the transferred data* to a respective inactive memory area.

As previously described, Adams and Soltis do not teach or suggest a remote host device that can transfer data to a control device *during unscheduled communications periods.* Since Adams and Soltis do not teach or suggest Applicant's claimed data transfer, Adams and Soltis cannot, and do not, teach or suggest Applicant's claimed *transferred data* that results from Applicant's claimed data transfer. Adams and Soltis do not, therefore, teach or suggest the feature of Applicant's independent claim 1 directed to storing *the transferred data* to a respective inactive memory area.

Fourth, Applicant's independent claim 1 includes redirecting at least one control device microprocessor, *during an idle period of the control device microprocessor,* to execute the stored data in the inactive memory area.

Applicant agrees with the Examiner's statement that Adams does not teach or suggest this feature of Applicant's independent claim 1.

With respect to Soltis, the Examiner points to Soltis col. 25, lines 21-23 and 27-31 and cryptically concludes that "[i]t would have been obvious to ... have incorporated" the teachings of the cited portion of Soltis with Adams "to increase the manageability of the available capacity of the disk drives and memory devices while in service in various data processing systems."

Applicant respectfully requests that the Examiner reconsider the teachings of Soltis. Neither the cited portion of Soltis nor any other portion of Soltis includes a single reference to an

idle period (or any other period) of a microprocessor. Soltis cannot, therefore, teach or suggest the feature of Applicant's independent claim 1 directed to redirecting at least one control device microprocessor, *during an idle period of the control device microprocessor*, to execute the stored data in the inactive memory area.

In summary, neither Adams nor Soltis teaches or suggests any feature of Applicant's independent claim 1. Specifically, neither Adams nor Soltis teaches or suggests Applicant's claimed host device and control device that are coupled through *a Fieldbus communications network*, Applicant's claimed host device that can transfer data to the control device *during unscheduled communications periods* and without interrupting the operation of the control device, Applicant's claimed storing the transferred data to *a respective inactive memory area*, and Applicant's claimed redirecting the control device microprocessor, *during an idle period of the control device microprocessor*, to execute the stored data in the inactive memory area.

Applicant's independent claim 1 is allowable. Since Applicant's independent claim 1 is allowable, claims 2-10 that depend therefrom are also allowable.

Claims 11-18

Applicant's independent claim 11 is a system claim that includes features similar to independent claim 1. Applicant's independent claim 11 is therefore allowable for the reasons provided with respect to independent claim 1. Since independent claim 11 is allowable, claims 12-18 depending therefrom are also allowable.

CONCLUSION

This Response is fully responsive to the present Office Action.

Based on the foregoing Amendment and Remarks, Applicant respectfully submits that this application is in condition for allowance. Accordingly, Applicant requests allowance. Applicant invites the Examiner to contact the Applicant's undersigned Attorney if any issues are deemed to remain prior to allowance.

Respectfully submitted,
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